

REMARKS

Claims 1-12 are pending in the application

Claims 1-6 stand rejected

Claims 7-12 are allowed

Claim 1 is amended herein

I. Specification

Objection is lodged to the incomplete reference to an inventor paper incorporated by reference into the specification. At this point, the Applicants are unable to provide the complete reference for that paper, but expect to be able to do so prior to a next office action in this matter. None of the material in the referenced paper is relied on to address the rejections of the current office action.

II. 35 USC §102 Claim Rejections

Claims 1-3 and 6 were rejected under 35 USC §102(b) as being anticipated by US Patent No. 5,812,526 to Chang *et al.* Applicants herein traverse those rejections and respectfully request reconsideration by the Examiner.

The invention is directed to a method for bandwidth allocation needed to achieve a given QoS requirement through the development and application of a statistical model of the packet stream being evaluated, the statistical model being developed as a function of bandwidth, traffic load, queuing delay and packet loss. In contrast, the applied Chang reference is generally directed to a call admission process using fuzzy logic to control the rate at which calls are accepted for transmission. Although the Applicants do not agree that Chang teaches any facet of their invention, they have amended independent claim 1 to further specify the aspects of the statistical model applied in their invention in the functional terms of the model of allowed independent claims 7 and 11, but without tying that model to a particular algebraic formulation. As so amended, the Applicants submit that independent claim 1 clearly distinguishes over the teaching of Chang. Rejected claims 2, 3 and 6 all depend, either directly or indirectly from independent claim 1 and thus should be patentable as well. Withdrawal of the §102 rejection of claims 1-3 and 6 is accordingly respectfully requested.

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III 35 USC §103 Claim Rejections

Claims 4 and 5 were rejected under 35 USC §103(a) as being unpatentable over Chang in view of "Internet Traffic: Statistical Multiplexing Gains," by Cao *et al.* As with the discussion above for the §102 claim rejections based on the Chang reference, the Applicants believe their claimed invention (as those claims are amended herein) is clearly distinguished from the teaching of Chang as the primary §103 reference, and they further submit that nothing in the teaching of the secondary reference (Cao) could reasonably be read to remedy the failures in that primary reference. Moreover, each of the claims rejected under §103 depends, either directly or indirectly, from independent claim 1, which was shown above to distinguish over Chang. Accordingly, Applicants submit that claims 4 and 5 are patentable over the applied art and respectfully request withdrawal of the §103 claim rejections.

IV. Conclusion

In view of the foregoing, allowance of all the claims presently in the application is respectfully requested, as is passage to issuance of the application. If the Examiner should feel that the application is not yet in a condition for allowance and that a telephone interview would be useful, he is invited to contact Applicants' attorney, John Ligon, at **908-582 5294**.

Respectfully submitted,
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